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FROM White & Fudala

DATE 2004-07-22 20:25:53 GMT

RE 09/751,989 Docket No. LEV-001

### COVER MESSAGE

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### FAX TRANSMISSION COVER SHEET

#### CONFIDENTIAL

Date: July 22, 2004  
703-872-9306

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To: BOX AMEND  
Examiner R. Osman GAU 2157

Company: USPTO

From: Mark P. White  
this sheet) 6

Number Pages(incl

Regarding: 09/751,989 Docket No. LEV-001

This affidavit was inadvertently omitted from the amendment filed on this day.

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In re Application of:

Levosky

Application No.: 09/751,989

Docket No. LEV-001

Filed on 12/29/2000

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Examiner: Osman, R.

Group Art Unit 2157

### **Affidavit of Michael Levosky**

I, Michael Levosky, do hereby declare, under pains and penalties of perjury, as follows:

1. I am the inventor of the invention described and claimed in US Patent Application No. 09/751,989.
2. I am, further, founder and President of Dashworks, Inc., a Delaware Corporation which maintains a WEBSITE, at [www.spammotel.com](http://www.spammotel.com), offering an email SPAM-blocking system based on said invention.
3. Prior to the incorporation of Dashworks, Inc., and since approximately the date of March 8, 2000, I personally maintained said WEBSITE offering said email SPAM-blocking system based on said invention as a sole proprietor.
4. In accordance with my knowledge of over four and one-half years in the research, conception, development, and maintenance of said SPAM-blocking system, it is my opinion that the configuration described in said application has substantially solved an important aspect of the well-known problem of the blocking and management of unwanted and unsolicited emails, otherwise known as SPAM.

5. At the present time there are more than 52,000 subscribers to my website at [www.spammotel.com](http://www.spammotel.com), thereby demonstrating the commercial success of said system.
6. As it is shown in the figures of the attached Exhibits, SPAM has been a constant and continuing problem for users of email for many years prior to the submission of my patent application No. 09/751,989 (see Exhibit E) , and remains a problem to this day. See Exhibits C and D.
7. My invention, as claimed and described in patent application No. 09/751,989, has proven to be a solution to a large extent in managing the SPAM problem. See Exhibit A.
8. The attached exhibits were obtained as follows:
  - (a). EXHIBIT A is a review of the system provided on my WEB site obtained by screen snapshot from the website [www.download.com](http://www.download.com) on or about October 2000. The website is maintained by RocketDownload, DigitalCandle, Inc., 1720 130th Ave NE, Suite 103, Bellevue, WA 98005.
  - (b) EXHIBIT B is a screen snapshot of the WALL STREET JOURNAL's website at [www.wsj.com](http://www.wsj.com), and shows the results of a search of the last year's articles in the WALL STREET JOURNAL having the keyword SPAM in the title, over the past year. The results show that 98 articles appeared having SPAM in the title.
  - (c) EXHIBIT C is a screen snapshot of an article appearing in THE WALL STREET JOURNAL on July 6, 2004 describing the SPAM "epidemic".

(d) EXHIBIT D is a screen snapshot of an article appearing in THE WALL STREET JOURNAL on June 22, 2004, describing the efforts of the Internet Giants to unite to combat SPAM.

(e) EXHIBIT E is a screen snapshot of an article appearing in THE WALL STREET JOURNAL on November 2, 1996, showing that SPAM was an unresolved problem at that date.

Signed, on July 21, 2004

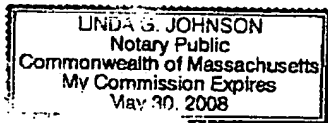
A handwritten signature in black ink, appearing to read "Michael Levosky", with a stylized flourish at the end.

Michael Levosky

Commonwealth of Massachusetts )  
County of Middlesex SS )

On July 21, 2004, before me personally came Michael Levosky , known by me to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Linda G. Johnson May 30, 2008  
Notary Public my commission expires



PTO/SB/97 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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on July 22, 2004  
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